

MINUTES
RUSH COUNTY BOARD OF ZONING APPEALS
Thursday, September 5th, 2013
7:30pm

ROLL CALL: Present were Larry Copley, Lois Hatfield, Sandra Jackson, Ruth Geise, Mike Holzback, David Rogier, Kevin Tolloty and Rhea Dawn Buckley. Absent: Gilda Caviness

MINUTES: Motion to approve the meeting minutes of August 1st, 2013 by Lois Hatfield, second by Ruth Geise. All voted Aye.

SPECIAL EXCEPTIONS:

1). Christina Marsden of 9189 W. 550 S. Manilla, requested a special exception for a home occupation (beauty salon), zoned A-3.

Larry Copley: Was there ever a Beauty Salon there before?

Christina Marsden: No.

MOTION:

Lois Hatfield made a motion to grant a one year temporary Special Exception to a home occupation (beauty Salon) with the following conditions:

- 1) There shall only be one (1) salon station permitted.

Motion seconded by Ruth Geise. All voted AYE.

2). Variances:

Steve and Pan Johnson 510 E. 600 S. Milroy for a Barn (66' x 96') requesting a 40' setback to a 10' setback. Anderson Township Zoned A-3. Agent Dick Malcolm

Lois Hatfield: What would be the size of the barn?

Dick Malcolm: 66' x 96'

Lois Hatfield: Why can't you meet the setback requirements?

Dick Malcolm: The position of the original barn ran north and south and the new barn will run east and west. The new barn will actually be in the same location except it will be running the opposite direction.

Lois Hatfield: So putting behind the old barn was not an option.

Dick Malcolm: No, there is not enough room and not only that it's because of the contour of the land. It would present a drainage problem if we did. Where we are putting the barn, there will not be a drainage problem.

Lois Hatfield: Is it close to the well?

Dick Malcolm: No. The well and septic are on the north side of the house.

Audience Questions:

Kim Forth: I live on the adjacent property and I am concerned that water is going to run from his property into my crops which would cause major problems due to the elevation.

Dick Malcolm- I disagree with that. We have started a transit and have guttering to run water away on the south side. It won't even come close to her property because of the way the drain hill would run on the north side. We filled the swell with 300 tons of stone and there is no way water is going to flood out onto her property.

Larry Copley: Did you have problems with drainage from the old barn?

Kim Forth: No, not that I am aware of.

Larry Copley: Can you (Dick) get a copy of the transit to the APC for their file?

Dick Malcolm: Absolutely! We built the ground up at least 10 feet of elevation with 300 ton of rock. We appreciate your concern and I wouldn't want water drainage onto my

property and into my crops. At the same time, we have taken that into consideration even before we started anything.

Kim Forth: Did you take into consideration the fact that you can guarantee me that I won't have drainage from the property?

Dick Malcolm: There is no guarantee.

MOTION:

Lois Hatfield made a motion to grant Steve and Pam Johnson a Variance from 40' to 10' on east side, with the following conditions:

- 1) Elevation and drainage calculations shall be submitted to the APC Office;
- 2) The down spouts shall be angled away from the east.

Motion seconded by Ruth Geise. All voted AYE

3). Matt and Emily Cain of 602 W. 9th Street, in Rushville City, Zoned R1 for a Garage. Old garage has been torn down and the new garage is going in same place. Rear of property faces the north.

Larry: Will the garage approach be coming off of the alley?

Matt: Yes.

Larry: Have you talked to the City Utilities?

Matt: No.

Larry: Make sure you contact them to make sure this isn't going to interfere with any sewer or water lines and make sure you don't go too deep.

No questions from the Board

No questions from the Audience

MOTION:

Larry Copley made a motion to approve Variance of a garage with stipulation that City Utilities are contacted to make sure there are no problems with sewer or water lines. The Contractor should do all of the contacting.

Motion seconded by Ruth Geise. All voted AYE

APPEALS: None

REVIEWS: None

OLD BUSINESS: None

NEW BUSINESS: None

REPORTS:

Attorney- Not Present

Plan Consultant- David Rogier wanted to commend Kevin Tolloty on doing a great job at multi-tasking, answering the phones, taking care of walk-ins and his excellent computer skills. Great Job Kevin!!

Director- Kevin Tolloty wanted to thank David for all his help. It was not an easy transition, but things are coming along. With the help of Rhea Dawn, I want to make things in the office user friendly, for me and for her, and for everyone.

ADJOURN: Motion by Larry Copley, second by Lois Hatfield. All voted Aye.